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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,662	09/23/2003	Chang Sup Lee	3449-0272P	9108
2292 7590 08/22/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER PARRA, OMAR S				
ART UNIT 2623		PAPER NUMBER		
NOTIFICATION DATE 08/22/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/667,662

Applicant(s)

LEE ET AL.

Examiner

OMAR PARRA

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 08/07/2008. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Hunter B. Lonsberry/
Primary Examiner, Art Unit 2623

Continuation of 11, does NOT place the application in condition for allowance because:

Applicant states:

1) "Daniels does not explicitly, or inherently, disclose providing the selectively mixed signals via a home network to at least one display other than the first display unit and other than the input unit that provides a display setup request..." (page 4, first paragraph).

To this matter, the examiner disagrees. Daniels teaches a home network with multiple clients, and a gateway that performs all the processing and the connections to external networks ([0018], [0023], [0028]-[0031], [0077]-[0078]). Daniels teaches that multiple clients are able to simultaneously display on their respective screen the same video content (a movie, as used in the example or TV AV broadcast signals) with other individualized content (web pages, as used as example; [0015], [0024], [0084], [0087], [0095]). Therefore, as claimed, Daniels teaches a system where an AV signal is selectively mixed with other data broadcast (individualized content, where by being individualized -per viewer-, it is selectively mixed). In other words, for different clients on the network, a common displayed video is selectively mixed with additional content individualized for those different clients.

Additionally, given that the signals are individualized and transmitted through the network, the clients are specifically addressed and served by the gateway and not randomly received through a broadcast where a client can receive the signals for the mere fact of being within the network range as believed to be suggested by applicant on the same paragraph. This, as respectfully believed by the examiner, covers the argued limitation.

2) "Daniel contains no concept of displaying the same selectively mixed signals directly to the first display and also to a second display other than the first display or the input unit, and via a network" (page 4 second paragraph).

To this matter, the examiner respectfully disagrees. As recited, claim 1 calls for a system able to selectively mix video signals with other data signals, and able to send these mixed signals to a plurality of display devices. Daniels, as discussed above, teaches a system with a gateway able to send video signals mixed with individualized data signals (selectively mixing the signals) and able to send the selectively mixed signals to the display devices. Claim 1 does not call for sending the same video signal mixed with the same data signal to all the displays, as seemed to be argued by applicant. Therefore, Daniels teaches the limitations as claimed.

3) "Capable of or 'able to' ... does not mean that Daniel explicitly or inherently does it" (page 4, third and last paragraph; page 5, first and second paragraph).

To this matter, the examiner respectfully disagrees. 'Capable of' and 'able to', as indicated on the Merriam-Webster online dictionary and dictionary.com, denote 'having the capacity and power to do or perform a task or accomplishment'. Therefore, Daniels' system is capable of doing or performing the limitations of the argued claims. The text of Daniels' specifications was, as most of the applicant's specifications, intended to be short and giving the enough details for an ordinary skilled in the art to realize of its importance. Therefore, if Daniels teaches that his system is 'capable of' or 'able to' perform the argued claimed limitations, an ordinary skilled in the art would understand that if required, the system will do it. In this way, simplifying the disclosure or length of the specifications for all the embodiments mentioned by Daniels.